

# City of Detroit


## CITY COUNCIL

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**TO:** Kenneth V. Cockrel, Jr., President

**FROM:** David Whitaker, Director   
Research & Analysis Division Staff

**DATE:** October 22, 2007

**RE:** **SCHEDULING DISCUSSIONS DURING COMMITTEE OF THE WHOLE**

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This letter is in response to your memo dated October 11, 2007 asking for an opinion as to whether "City Council may conduct discussions on certain matters during the Formal Session." There is nothing in the City Council rules that specifically prohibits discussion during the Formal Session. Rule 3.2 defines the Formal Session:

Formal Session shall mean the regular weekly meeting of the City Council. Formal Session shall be the time when the City Council takes formal action on any item on their agenda.

Discussion of a limited nature prior to voting is almost obligatory. All Council Members should be aware of the action they are about to take and any questions or clarification of the issues before them should be quieted in advance. Each item on the Formal Agenda requires some action by the Council whether it is to receive it, refer it or vote yea or nay upon it. Likewise a Council Member may call for discussion on any item appearing on the Formal Agenda.

The rules also address when the Council will meet as a Committee of the Whole. Rule 8.1 presently reads in part:

Council may meet as a Committee of the Whole. The Committee of the Whole shall only meet on matters of importance or sensitivity.

While the rules do not define what constitutes "matters of importance or sensitivity" the many discussions the City Council held prior to approval of the rules resulted in a consensus that such matters would be those of an urgent nature and/or require the full participation of all members in order to reach a swift decision. It was also decided that a narrow group of issues in which all Council Members had a vested interest would be discussed in a Committee of the Whole.

RAD is aware that the need may arise for more than just an occasional meeting of the entire body. Yet the frequent scheduling of Committee of the Whole meetings tends to weaken the Standing Committee structure by diluting the power of the Standing Committees and their ability to delve more deeply into issues that fall within their domain. Numerous Committee of the Whole meetings will defeat the very purpose for which the current committee structure was created.

It is the suggestion of RAD that a discrete portion of the Formal Agenda be designated for the discussion of issues that arise out of matters presently before the Council, meaning items listed on that day's Formal Agenda. This will include items that will be referred to a Standing Committee or that have just been presented by the Administration. Such discussion time would be in addition to the answering of any questions or clarification of issues that appear under "Voting Action Matters" on the Formal Agenda. Again, those issues should be immediately addressed prior to any vote being taken on those same matters.

RAD believes this discussion period should be held subsequent to any voting action or public comment. The discussion period should also be clearly delineated from the Voting Action portion of the Agenda. This delineation will signal persons attending the Formal Session that Council has completed its action on items that have been noticed for a vote on the Formal Agenda. It will also ensure that the public will not have to sit through a prolonged session in order to be apprised of just what action Council is taking. It is imperative that the topic of any additional discussion be noticed prior to the meeting and in accordance with the Open Meetings Act.

For matters requiring full discussions and the attendance of outside parties a more appropriate forum is the Committee of the Whole. Should the Council desire to have a more precise determination of which matters are best discussed during meetings as a Committee of the Whole it is RAD's suggestion that this issue be referred to the Rules Committee for further consideration. Please advise should you desire additional comment on this issue.

cc: Council Members